

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

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| CECIL WALTER MAX-GEORGE, JR. | § | |
| VS. | § | CIVIL ACTION NO. 9:20cv237 |
| OATH, INC., ET AL. | § | |

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Plaintiff Cecil Walter Max-George, Jr., an inmate at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought the above-styled lawsuit against Oath, Inc. and Verizon Communication, Inc.

The court referred this matter to a United States Magistrate Judge for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the action be dismissed for failure to state a claim.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. Plaintiff filed objections to the Magistrate Judge’s Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

Plaintiff asserts he established an account with the defendant Oath, Inc. (a.k.a. “Yahoo!”) in 2001 and agreed to a privacy agreement. Plaintiff complains of alleged data breaches in 2012, 2013, 2014, 2015, and 2016. Plaintiff alleges the defendants failed to adequately protect his personal information and failed to disclose the alleged data breaches. The magistrate judge’s recommendation

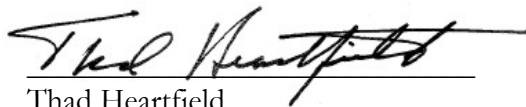
for dismissal was based on the conclusion that plaintiff failed to state an injury as a result of the alleged data breaches and, therefore, did not have standing to pursue this case.

In his objections, plaintiff attempts to establish standing by stating that the data breaches caused his personal information to be exposed and stolen. Additionally, plaintiff asserts that the defendants “unjustly enriched themselves by allocating compensation bonuses.” However, plaintiff has failed to identify any third party to whom data or information was exposed. Nor has he alleged he suffered any financial loss due to the data breaches or sustained any injury. Plaintiff therefore lacks standing to pursue his claim.

ORDER

Accordingly, plaintiff’s objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** to the extent it recommended dismissal. A final judgment will be entered in this case in accordance with the Magistrate Judge’s recommendations.

SIGNED this the 27 day of **June, 2022**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge